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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,384	08/26/2003	Roger Johannes Maria Peeters	0142-0422P	2049

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EXAMINER

MORRISON, THOMAS A

ART UNIT PAPER NUMBER

3653

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/647,384		PEETERS ET AL.	
	Examiner		Art Unit	
	Thomas A. Morrison		3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5,7,8,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,5,7,8,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/19/2006 has been entered.

Claim Objections

2. Claim 12 is objected to because of the following informalities: (1) "location" in line 3 of claim 12 should be -- locations --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "sheet deposition **position**" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "**the adjacent** sheet deposition position" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 12, this claim depends from claim 11. How can N = 1 in claim 11, and also meet the limitations of claim 12? More specifically, how can you have N = 1 sheet deposition location in claim 11, and also have two sheet deposition locations (i.e., one of said sheet deposition location and the adjacent sheet deposition position) in claim 12?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2, 3, 5, 7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,721,435 (Zanders).

Regarding independent claim 11, Figs. 1-3 show a sheet deposition system for selectively depositing sheets in N sheet locations on at least one of a plurality of supports (including 13), with N being an integer ≥ 1 , which comprises:

N+1 (i.e., 2) guide members (11 and 9) for guiding the supports (including 13), the guide members (11 and 9) being vertically arranged such that each of the sheet deposition locations (1 deposition location below 18) has an associated lower guide member (11) and an associated higher guide member (9);

a plurality of points of suspension (notches shown in Fig. 3) on each of the guide members (11 and 9) for suspending the supports (13) thereon (i.e., the notches on

guide members 11 and 9 are points of suspension for suspending the supports (13) via elements 14 thereon) such that each support (13) can be detached from the guide members (11 and 9) regardless of its position on the guide members (11 and 9); and

drive means (column 3, lines 64-75) for driving the guide members (11 and 9) and enabling the passing of at least one support (including 13) from one of the guide members (9) to an adjacent one of the guide members (11).

With regard to the recitation, "a plurality of points of suspension on each of said guide members for suspending the supports thereon such that each support **can be detached** from the guide members regardless of its position on the guide members." (emphasis added), it is the examiner's position that the folders (13) (i.e., supports 13) of Zanders can be detached from the guide members (11 and 9), e.g., by pulling off or breaking the rods (14) on which the supports (13) rest, to release such supports (13) from the Zanders device. Alternatively, the supports (13) can be pulled off or broken in order to detach such supports (13) from the guides (11 and 9). Claim 11 does not preclude damaging or breaking the supports (13) or any other parts of the Zanders device in order to detach the supports (13). Rather, claim 11 requires that the supports (13) **can be detached** from the guides (11 and 9). Also, column 3, lines 31-37 of Zanders discloses that the supports 13 are made of cardboard or like material, which further supports the proposition that the supports (13) can be broken in order to detach them from the Zanders device. Thus, all of the limitations of claim 1 are met.

Regarding dependent claim 2, Figs. 1-3 show that the guide members (11 and 9) are endless.

Regarding dependent claim 3, Figs. 1-3 show that the number of supports (including 13) is at least 3.

Regarding dependent claim 5, Figs. 1-3 show that each of the guide members (11 and 9) is composed of one or more belts, or one or more chains, or one or more wires.

Regarding dependent claim 7, column 3, lines 65-75 disclose that each of the guide members (11 and 9) has an associated clutch for transmitting drive thereto, the system further comprising control means for selectively activating at least one of the clutches. In particular, each guide is associated with the disclosed clutch and the claim does not preclude a single clutch from being used.

Claim Rejections - 35 USC § 103

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,721,435 (Zanders) as applied to claim 7 above, and further in view of U.S. Patent No. 5,046,641 (Gray). The Zanders patent discloses all of the elements of claim 8, except for a tooth clutch, as claimed. In fact, column 3, lines 65-75 of the Zanders patent disclose that a clutch and gears can be used to provide power to the guide members 11 and 9 (i.e., belts 11 and 9). Zanders also indicates that the mechanism that drives the belts (i.e., guide members 11 and 9) can be provided in various ways evident to one skilled in the art.

The Gray patent discloses that it is well known to provide an apparatus with belts operated via gears and a tooth clutch (including 62 and 63). See, e.g., Fig. 3 of Gray. Gray explains that such tooth clutch allows fewer gears to be used. See e.g., column 9, lines 24-27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of the Zanders patent with a tooth clutch in order to limit the number of gears needed to operate Zanders apparatus, as taught by Gray.

Response to Arguments

6. Applicant's arguments filed 07/19/2006 have been fully considered but they are not persuasive. Applicant argues that

First of all, the fact that the suspension rods can be pulled out is mere speculation. There is no hint or teaching in the Zanders patent of such a possibility. The suspension rods are engaged at their ends only in notches of the belt (and enclosed between the belt and the guide plate). Therefore, it is unlikely that these suspension rods can be pulled out as this would also mean that these rods could easily move laterally (out of the paper in Figure 3) in use, possibly causing disengagement of an end of the rod from the belt.

Secondly, and even more importantly, it is clear that the detachable support as presently claimed is a sheet support (for example a paper tray). The Examiner considers the suspension rod to constitute the detachable (sheet) support, which is clearly in correct. In the Zanders patent, a sheet support is the lower part of a folder 13. As referred to by the Examiner himself, these folders are made from a single band of, for example, cardboard. Thus, even if the suspension rods would be detachable, it would still be impossible to remove one single folder from the band. Thus, the Zanders patent does not disclose that the sheet supports, that is the folders, are detachable.

In response, the rejection of claim 11 above relies upon elements 13 (i.e., folders 13) to disclose the recited "supports" in claim 11 set forth in the 6/19/06 amendment. Elements 14 (suspension rods 14) were previously relied upon to disclose the recited

"detachable supports" in the 4/19/06 Office Action, when it was unclear in the previously presented claim 11, whether the recited "detachable supports" were the same or different from the recited "plurality of supports".

As mentioned above in the rejection of claim 11, this claim recites, "a plurality of points of suspension on each of said guide members for suspending the supports thereon such that each support **can be detached** from the guide members regardless of its position on the guide members." (emphasis added). It is the examiner's position that the folders (13) (i.e., supports 13) of Zanders can be detached from the guide members (11 and 9), e.g., by pulling off or breaking the rods (14) on which the supports (13) rest, to release such supports (13) from the Zanders device. Alternatively, the supports (13) can be pulled off or broken in order to detach such supports (13) from the guides (11 and 9). Claim 11 does not preclude damaging or breaking the supports (13) or any other parts of the Zanders device in order to detach the supports (13). Rather, claim 11 requires that the supports (13) **can be detached** from the guides (11 and 9). Also, column 3, lines 31-37 of Zanders discloses that the supports 13 are made of cardboard or like material, which further supports the proposition that the supports (13) can be broken in order to detach them from the Zanders device.

With regard to applicant's argument that the folders are made from a single band of cardboard and it would still be impossible to remove one single folder from the band, this limitation is not required by claim 11. Rather, claim 11 requires that the supports (13) (i.e., folders 13) can be detached from the guide members. This can be done by pulling off or breaking the rods (14) or pulling off or breaking the supports (13) or other

parts of the Zanders device to detach the supports (13) from the guide members, as explained above.

Allowable Subject Matter

7. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 12 is too unclear to make a determination as to whether this claim contains allowable subject matter.


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

09/20/2006



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